

1 Andrew H. Wilson
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900

7 Laurie J. Bartilson
8 BOWLES & MOXON
9 6255 Sunset Boulevard
10 Suite 2000
11 Hollywood, California 90028
12 (213) 661-4030

13 Attorneys for Plaintiff
14 CHURCH OF SCIENTOLOGY INTERNATIONAL

RECEIVED
MAR 26 1992
HUB LAW OFFICES

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY OF) Case No. 152 229
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;) DECLARATION OF ANDREW H.
20) WILSON IN SUPPORT OF
21) APPLICATION FOR ORDER TO
22) SHOW CAUSE WHY GERALD
23) ARMSTRONG AND FORD GREENE
24) SHOULD NOT BE HELD IN
25) CONTEMPT OF COURT
26)
27) [C.C.P. § 1209(a)(5)]
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22 I, ANDREW H. WILSON, hereby declare:

23 1. I am an attorney duly licensed to practice law in the
24 State of California, and I am a member of Wilson, Ryan &
25 Campilongo, counsel of record in this action for plaintiff Church
26 of Scientology International. I have personal knowledge of the
27 facts set forth below and, if called upon to do so, I could and
28 would competently testify thereto.

1 2. I was present when, on March 3, 1992, this Court heard
2 oral argument concerning defendant Gerald Armstrong's ex parte
3 application for a continuance of plaintiff's motion for
4 preliminary injunction, which was then set for hearing on March
5 6, 1992. At the March 3 hearing, the Court issued a temporary
6 restraining order, consistent with the proposed preliminary
7 injunction, to remain in effect until March 20, 1992. I was
8 ordered to prepare the Temporary Restraining Order and to submit
9 it for rapid review to both the Court and to Mr. Armstrong's
10 attorney, Ford Greene.

11 3. My co-counsel, Laurie Bartilson, and I prepared a draft
12 Temporary Restraining Order (hereinafter sometimes referred to as
13 the "TRO") as ordered by the Court. On the morning of March 4,
14 1992, I faxed a copy of the proposed Temporary Restraining Order
15 to Mr. Greene's office, and hand-delivered it to the Court. A
16 true and correct copy of the proposed Temporary Restraining Order
17 which I faxed and delivered is attached as Exhibit B to the
18 accompanying Declaration of Laurie J. Bartilson.

19 4. On March 4, 1992, Mr. Greene sent me a letter by
20 telefax, acknowledging receipt of the proposed Temporary
21 Restraining Order, and objecting to it. A true and correct copy
22 of Mr. Greene's letter detailing his objections is attached as
23 Exhibit C to Ms. Bartilson's declaration.

24 5. On March 5, 1992, this Court signed the written
25 Temporary Restraining Order which I had proposed, making only a
26 slight change in paragraph 1, which is of no consequence to this
27 Application. A true and correct copy of the signed and filed
28 Temporary Restraining Order is attached as Exhibit D to Ms.

1 Bartilson's declaration.

2 6. As soon as I had received a signed copy of the TRO
3 from the Court, I served the TRO on Mr. Greene's office by mail.

4 7. On March 13, Armstrong testified in deposition as an
5 expert witness in Hunziker v. Applied Materials, No. 629629
6 S.C.S.C. professing to have expertise in the Church of
7 Scientology. A true and correct copy of pages 324, 325, 326 and
8 327 of the transcript of that deposition are attached hereto as
9 Exhibit A. In violation of the Settlement Agreement, Armstrong
10 had been designed as an expert by plaintiff's counsel, John
11 Elstead, who is counsel to John and Vicky Aznaran in Aznaran v.
12 Church of Scientology of California, Inc., et al., a case in
13 which Armstrong's counsel, Ford Greene, was co-counsel until late
14 February, 1992. After the TRO was entered here, Armstrong gave
15 deposition testimony referred to. At the deposition, Armstrong
16 just testified that he was not under subpoena. He then testified
17 that he had been given a subpoena that day by Mr. Elstead (pg.
18 324). He stated that he did not have the subpoena, but had left
19 it in his car (pg. 326). Cynthia Remmer, counsel for defendant,
20 requested that he go to his car and get the subpoena, which had
21 not been served on her (Id.) When Armstrong returned, he refused
22 to give Ms. Remmer the subpoena, stating that Elstead had
23 instructed him not to provide it because it was not called for in
24 a document production request (pg. 327). Significantly,
25 Armstrong testified that, several days prior to the deposition,
26 he had delivered documents to Elstead without being subpoenaed,
27 and told Elstead at the very moment he delivered those documents
28 that a TRO had been issued (pg. 325).

1 Armstrong's production of documents was unquestionably
2 without benefit of subpoena and violates Paragraphs 2, 3, 4 and 5
3 of the TRO. Armstrong violated the letter and spirit of both the
4 Agreement and the TRO by testifying as an expert. His apparent
5 justification that Elstead subpoenaed him the morning of the
6 deposition is without merit. At best, Armstrong's testimony
7 shows that he asked Elstead to subpoena him and then went to
8 Elstead's office to be served with it. This is a direct
9 violation of Paragraph 4 of the TRO and provisions of the
10 Settlement Agreement which prohibit Armstrong from making himself
11 amenable to service of such a subpoena in a manner that violates
12 the spirit of the Settlement Agreement. Armstrong has attacked
13 this language as requiring Armstrong to evade service of a
14 subpoena. Nothing could be further from the truth. By his very
15 conduct Armstrong has both defined what is prohibited and
16 demonstrated the need for it. He went to Elstead's office with a
17 "mass" of documents and informed Elstead about the TRO. Just
18 days later, he went to Elstead's office for his deposition (pg.
19 330) and received a subpoena from Elstead at that time.

20 8. On March 18, 1992, I received a telephone call from
21 Cable Network News reporter Donn Knapp. During that call, Mr.
22 Knapp stated that he had been contacted by Ford Greene, and that,
23 as a result, he wished to interview me concerning this case.

24 9. On March 19, 1992, Armstrong, through his attorney,
25 Ford Greene, distributed a press release to various members of
26 the media. A copy of this press lease is attached hereto and
27 incorporated herein by reference as Exhibit B.
28

10. The following excerpts from the press release violate

1 the Temporary Restraining Order in that they constitute
2 disclosures by Armstrong, through Ford Greene as his agent, of
3 his experiences with Scientology as prohibited by Paragraph 2
4 and/or are breaches of the provisions of Paragraph 2 of the
5 Temporary Restraining Order which requires Armstrong to maintain
6 strict confidentiality and silence with respect to his experience
7 with the Church of Scientology and any knowledge or information
8 he may have concerning the Church of Scientology or L. Ron
9 Hubbard:

- 10 a) "Can the Scientology organization purchase
11 the free speech rights of Gerald Armstrong-
12 the former in-house biography researcher/
13 archivist of cult leader, L. Ron Hubbard..."
14 b) "A former high-ranking Scientologist for 12
15 years, Armstrong split with the group when it
16 insisted he continue lying about the accomp-
17 lishments Hubbard claimed to the public at large."
18 c) "For years Scientology has treated Armstrong
19 as a 'suppressive person' who was 'fair game.'"
20 d) "Armstrong is resisting Scientology's high-
21 powered attack in an effort to affirm his
22 right to free speech to maintain vigilance
23 for the truth."
24 e) "(Scientology is) fabricating false scenarios
25 in other court proceedings that Armstrong was
26 an agent of the IRS out to destroy it."

21 11. In addition, the press release devotes an entire
22 paragraph to a description of the lawsuit resulting from the
23 Settlement Agreement and to a description of the Settlement
24 Agreement itself:

25 "After Armstrong beat Scientology's lawsuit
26 against him in 1984, he was poised to
27 prosecute his own claims. For millions of
28 dollars, however, in 1986 Scientology settled
with he and over 17 other Scientology-
knowledgeable individuals on the condition
that those persons would forever keep silent,

1 DO THAT, BUT I THINK THAT NO MATTER HOW BIG SCIENTOLOGY IS,
2 I DON'T THINK THAT IT WILL WEAR DOWN THE U.S. JUSTICE
3 SYSTEM.

4 Q. WHAT DO YOU MEAN BY THAT?

5 A. WELL, I THINK THAT NO MATTER WHAT SCIENTOLOGY
6 DOES, IF I WERE ORDERED TO TESTIFY, I THINK THAT THAT
7 WOULD --

8 Q. ORDERED BY WHOM TO TESTIFY?

9 A. ORDERED BY SUBPENA, ORDERED BY A COURT.

10 Q. BUT YOU HAVEN'T BEEN SUBPENED TO TESTIFY HERE
11 TODAY; YOU KNOW THAT; CORRECT? YOU'VE RECEIVED NO SUBPENA?

12 A. FOR TODAY?

13 Q. RIGHT, AND FOR LAST TIME WHEN YOU WERE DEPOSED.

14 A. I DIDN'T -- I MEAN, YOU ISSUED A NOTICE OF
15 SUBPENA -- OR NOTICE OF DEPOSITION; RIGHT?

16 Q. RIGHT. YOU'VE NEVER RECEIVED A SUBPENA TO
17 TESTIFY?

18 A. I HAVE A SUBPENA FOR TODAY.

19 Q. WHAT DOES THE SUBPENA LOOK LIKE? WHO ISSUED
20 THAT?

21 A. JOHN ELSTEAD.

22 Q. I'VE SEEN NO SUBPENA.

23 A. I DON'T KNOW. MAYBE YOU DIDN'T GET A COPY.

24 Q. WHEN DID YOU TALK TO JOHN ELSTEAD ABOUT A
25 SUBPENA?

26 A. I THINK HE JUST FILLED IT OUT THIS MORNING.

1 Q. DID YOU ASK HIM FOR A SUBPENA?

2 A. I BELIEVE THAT I -- THAT I TOLD HIM THAT THERE
3 MAY BE A TRO ISSUED WHEN I FIRST LEARNED OF IT.

4 Q. WHEN WAS THAT?

5 A. LIKE I TOLD YOU, THE ONLY THING I'VE SEEN, WHICH
6 ISN'T OFFICIAL, IS A STATEMENT BY SCIENTOLOGY'S LAWYER.

7 Q. WHEN DID YOU FIRST TELL MR. ELSTEAD YOU THOUGHT
8 THERE MAY BE A TRO ISSUED?

9 A. I THINK MAYBE WHEN I DELIVERED THE DOCUMENTS TO
10 HIM.

11 Q. WHEN WAS THAT? ON FRIDAY?

12 A. SUNDAY.

13 Q. ON SUNDAY?

14 A. YEAH.

15 Q. SO YOU ASKED HIM TO GIVE YOU A SUBPENA?

16 A. I JUST TOLD HIM THAT THERE'S A -- THERE MAY BE,
17 ALTHOUGH I'VE NOT SEEN IT, A TRO.

18 AND HE SAID, "YOU HAVEN'T SEEN IT?"

19 I SAID, "NO."

20 Q. HAVE YOU TOLD MR. ELSTEAD IF THE TRO IS IN EFFECT
21 AND PRECLUDES YOU FROM TESTIFYING, YOU DON'T WANT TO BE USED
22 AS AN EXPERT IN THIS CASE?

23 A. I HAVE NOT CONSIDERED THAT AS AN OPTION AND I
24 DON'T THINK THAT THAT COULD HAPPEN.

25 Q. WHY IS THAT?

26 A. BECAUSE I DON'T THINK ANY COURT IS GOING TO HONOR

1 THAT.

2 Q. OKAY, I HAVE NEVER SEEN IN MY LEGAL CAREER AN
3 EXPERT WITNESS SUBPENABD IN ANY CASE IN MY LIFE, SO I'M
4 HAVING GREAT DIFFICULTY WITH THIS. IF YOU'RE HERE
5 VOLUNTARILY AS AN EXPERT WITNESS, THEN WE HAVE AN OBLIGATION
6 TO PAY YOU WITNESS FEES AND TREAT YOU LIKE AN EXPERT. IF
7 YOU'RE HERE UNDER SUBPENA, THAT'S A VERY DIFFERENT THING.

8 A. I'M HERE AS AN EXPERT.

9 Q. ARE YOU HERE VOLUNTARILY AS AN EXPERT WITNESS?

10 A. I'M HERE VOLUNTARILY AS AN EXPERT WITNESS. I'VE
11 ALSO BEEN SUBPENABD.

12 Q. I'D LIKE A COPY OF THE SUBPENA, PLEASE.

13 A. OKAY, I'LL ASK MR. ELSTEAD.

14 Q. WELL, LET'S GET IT.

15 (THE WITNESS LEFT THE ROOM BRIEFLY AND THEN
16 RETURNED)

17 THE WITNESS: HE DOESN'T HAVE IT RIGHT NOW.

18 BY MS. REMMERS: Q. DO YOU HAVE IT IN YOUR
19 POSSESSION?

20 A. I'M NOT SURE.

21 Q. I MEAN IF YOU WERE GIVEN THE SUBPENA, I IMAGINE
22 YOU WOULD WANT TO HAVE IT, WOULDN'T YOU?

23 A. I THINK IT MAY BE DOWN IN MY CAR.

24 Q. WELL, I'D LIKE YOU TO GO GET IT.

25 A. OKAY.

26 (7-MINUTE RECESS)

1 THE WITNESS: WE'RE JUST GOING TO FIVE; OKAY. I
2 HAVE AN APPOINTMENT AFTER THAT.

3 BY MS. REMMERS: Q. CAN I SEE THE SUBPENA,
4 PLEASE?

5 A. I DIDN'T BRING IT BACK WITH ME.

6 Q. WHY IS THAT?

7 A. IN CONSULTATION WITH MR. ELSTEAD, I'VE DECIDED
8 THAT IT'S NOT RELEVANT TO MY EXPERT TESTIMONY. I WAS NOT
9 REQUIRED BY YOUR NOTICE TO PRODUCE IT. IT'S NOT ANYTHING
10 UPON WHICH I WILL RELY AT TRIAL TO SHOW MY EXPERTISE AND
11 KNOWLEDGE OF THE ORGANIZATION OR ANY OF MY OPINIONS.

12 Q. OKAY.

13 A. SO I WILL AT THIS POINT DECLINE TO PRODUCE THE
14 SUBPENA.

15 Q. OKAY. WHAT ELSE DID YOU TALK ABOUT WITH MR.
16 ELSTEAD? I NOTICED RIGHT AFTER YOU WENT TO YOUR CAR, MR.
17 ELSTEAD FOLLOWED YOU OUT, AND YOU HAD A CONFERENCE BEHIND
18 CLOSED DOORS WITH MR. ELSTEAD. I'D LIKE YOU TO TELL ME
19 EVERY SINGLE WORD THAT MR. ELSTEAD OR THAT HIS CO-COUNSEL
20 HERE SAID TO YOU.

21 A. IF MR. ELSTEAD FOLLOWED ME OUT, THEN AGAIN IT WAS
22 NOT CONNECTED TO ME.

23 Q. YOU DID NOT SEE HIM IN THE CAR OR DOWNSTAIRS?

24 A. NO.

25 Q. YOU WERE JUST BEHIND CLOSED DOORS WITH HIM.

26 DID YOU HAVE THE SUBPENA IN YOUR HAND WHEN YOU

FAX COVER SHEET

THE RECORDER

625 POLK STREET, SUITE 500 • SAN FRANCISCO, CA 94102-3368 • TEL 415/749-5400 • FAX 415/749-5549

TO: Andrew Wilson

COMPANY: _____

FAX NUMBER: 954-0938 DATE: 3/25/92

FROM: Steve Hirsch

DIRECT DIAL: 749-5523

TOTAL PAGES INCLUDING COVER SHEET: _____ LEGAL _____ LETTER 3

CC: _____

COMMENTS: So whats up with this, eh?

PRESS RELEASE FROM THE HUB LAW OFFICES OF FORD GREENE

WHAT: L. RON HUBBARD/DIANETICS/SCIENTOLOGY ASK COURT TO ENJOIN HUBBARD ARCHIVIST FROM TELLING WHAT HE KNOWS

-----> For Immediate Release, Please <-----

WHERE: Marin Superior Court, San Rafael Civic Center -
Scientology vs. Armstrong No. 152229

March 20, 1992 at 9:00 a.m., Department 4.

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Can the Scientology Organization purchase the free speech rights of Gerald Armstrong - the former in-house biography researcher/archivist of cult leader L. Ron Hubbard - so that it can keep the facts that he knows out of public view in the marketplace of ideas?

A former high-ranking Scientologist for 12 years, Armstrong split with the group when it insisted he continue lying about the accomplishments Hubbard claimed to the public at large. In 1982, the organization sued Armstrong for sending Hubbard documents to his lawyers. In 1984 at Armstrong's trial, Los Angeles Superior Court judge Paul G. Breckenridge, Jr., who ruled that Armstrong's actions had been manifestly justified, also found:

"In addition to violating and abusing its own members civil rights, the organization over the years with its "Fair Game" doctrine has harassed and abused those persons not in the Church whom it perceives as enemies. The organization is clearly schizophrenic and paranoid, and this bizarre combination seems to be a reflection of its founder LRH [L. Ron Hubbard]. The evidence portrays a man who has been virtually a pathological liar when it comes to his history, background, and achievements. The writings and documents in evidence additionally reflect his egoism, greed, avarice, lust for power, and vindictiveness and aggressiveness against persons perceived by him to be disloyal or hostile."

For years, Scientology has treated Armstrong as a "suppressive person" who was "Fair Game." This policy says as Fair Game one

"may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed."

Defended by Ford Greene - the lawyer who persuaded the California Supreme Court that the Unification Church (Moonies) should be liable for brainwashing and who won an acquittal for a felonious-charged deprogrammer on the ground that the kidnapping was necessary to avoid cult-danger - Armstrong is resisting Scientology's high-powered attack in an effort to affirm his right to free speech to maintain vigilance for the truth.

After Armstrong beat Scientology's lawsuit against him in 1984, he was poised to prosecute his own claims. For millions of dollars, however, in 1986 Scientology settled with him and over 17 other Scientology-knowledgeable individuals on the condition that those persons would forever keep silent, avoid giving sworn testimony by evading subpoenas, and never aid or assist any one adverse to Scientology.

Between its full-page daily ads in U.S.A. Today and purchasing the silence of judicially-credible adversaries, Scientology's strategy is to eliminate the competition in the marketplace of ideas for those who would swallow the claims of its widespread advertisements for the benefits of Dianetics: The Science of Mental Health.

Scientology has demanded that newly-elevated Marin County Superior Court judge Michael Dufficy give them a preliminary injunction which would prevent Armstrong from speaking out and assisting other individuals locked in litigation with Scientology - while at the same time fabricating false scenarios in other court proceedings that Armstrong was an agent of the IRS out to destroy it. If Scientology has its way, Armstrong would either roll over, or if he exposed its lies about him, Scientology would demand he be jailed for contempt of court.

When Scientology first came to Marin County to go after Armstrong, it asked the Court to conduct all proceedings in secret in closed proceedings. The Court refused. Then Scientology asked the Court to seal the settlement agreement that Scientology wants the Court to enforce. The Court refused. Now, Scientology has obtained a temporary restraining order compelling Armstrong not to speak out on the subject of Scientology. Scientology would like to make it permanent and will attempt to do just that at the March 20th Marin Superior Court hearing.

FOR FURTHER INFORMATION CALL:

KIRK SEIDEL, Press Liaison
(415) 457-5711

FORD GREENE (415) 258-0360